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TESTIMONY OF REPRESENTATIVE ELISSA WRIGHT
STATE REPRESENTATIVE, 41ST DISTRICT

Environment Committee Public Hearing
March 12, 2010

Raised House Bill No. 5417, AN ACT CONCERNING OPEN SPACE AND THE CREATION OF TRAILS FOR ALL-TERRAIN VEHICLES

Senator Meyer, Representative Roy and members of the Environment Committee, thank you for the opportunity to testify in support of *Section 1* and *Section 2* of *Raised House Bill 5417, An Act Concerning Open Space and the Creation of Trails for All-Terrain Vehicles*.

Section 1: Open Space and Farmland Preservation Registry. I would like to express my support for the creation by the Commissioners of Environmental Protection and Agriculture of a central open space and farmland preservation registry with information concerning land, and interests in land, permanently protected for open space, conservation and agricultural purposes, whether publicly or privately held and whether acquired in fee title or through conservation easements, transfer of development rights (TDR), or other natural resource protection programs. It also would be useful to catalogue the number of acres enrolled in "490" farm, forest, open space, and maritime heritage land use valuation programs throughout the state. This research would provide a valuable land protection visioning tool for the state, municipalities, regional planning agencies and councils of government, land trusts, and water companies, guiding natural resource conservation efforts to best achieve the goals of open space and farmland preservation, and "smart" growth.

A common set of accessible data identifying and mapping protected conservation and agricultural land throughout Connecticut would facilitate coordinated efforts to preserve diminishing farmland and open space in the state. It would help identify the gaps in natural resource conservation and preservation areas; assist in achieving the state goal established in General Statutes Section 23-8 to have at least twenty-one percent of the state's land area held as public open space, with ten percent held by the state, and not less than eleven percent held by municipalities, land conservation organizations and water companies, and help evaluate the strategy and progress being made toward those goals.

In order to improve this legislative proposal, ensure the accuracy and completeness of registry information, and help ensure that municipally-acquired open space land remains to the uses intended, I suggest that evidence of the specific purposes for which municipal open space and conservation land is acquired, and the municipal ordinance or referendum authorizing and appropriating funds for the acquisition, should be required to appear in the chain of title on the land records.

For any property purchased with a state open space and watershed land acquisition grant, our statutes require that a permanent conservation easement in favor of the state be filed at the closing, ensuring that lands acquired with program grants enjoy permanent protection. The easement placed on the town land records serves to notify the public and any potential purchaser that the property is to be held in its natural condition.

But when municipal funds are the sole funding source for the acquisition of municipal open space, conservation and recreational land, there is no requirement that the purposes for which the land was purchased appear of record in the chain of title as a restriction on the use of such land. Amending our statutes to require formal notice on the land records of the legislation authorizing the acquisition, the capacity in which the municipality took and holds such land, and the specific open space, conservation, or recreation uses to which the land must be placed, would provide notice so that the public and future generations could know about and monitor the land's protected status and help forestall any possible diversion to inconsistent future uses.

Section 2: Municipal Green Fund. I also would like to express my support for enabling legislation authorizing municipalities to establish a dedicated fund for open space acquisition, farmland preservation, and other natural resource protection projects, and to amend our tax law to allow cities and towns which establish such a fund to impose a tax on real estate transfers of up to one and one-half percent on non-exempt real estate transfers to be paid by the buyer. At a time when state and federal funding for environmental programs and projects is strained, local-option community preservation funds would provide towns with additional funding capability to help foster environmental initiatives of priority to them, such as preservation of open space, agricultural land, and threatened ecological areas, or other environmental projects, benefiting local communities, regions and the state as a whole.

Thank you for your consideration and for the opportunity to speak about these matters today. I would like to work with the Committee to make changes to the bill to require that the open space, conservation and recreation purposes for which municipal land is acquired appear of record in the chain of title on the land records.